



KAUFMAN BORGEEST & RYAN LLP

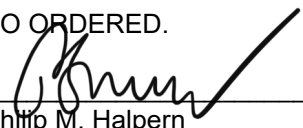
April 30, 2021

VIA ECF

Honorable Philip M. Halpern, U.S.D.J.
Daniel Patrick Moynihan
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Application to stay this action denied. The deadline for the parties to file a proposed Joint Pretrial Order in compliance with the Court's Individual Practice 6.A. or, alternatively, for Plaintiff to file its pre-motion letter is adjourned to August 2, 2021.

SO ORDERED.


Philip M. Halpern
United States District Judge

Dated: White Plains, New York
May 3, 2021

Re: Duvet v. Pine Valley Center for Rehabilitation and Nursing
Civil Action No.: 19-CV-03744
KBR File No.: 1061.049

Dear Judge Halpern:

This firm represents the defendant, Pine Valley Center for Rehabilitation and Nursing, in the above-referenced matter.

We write, jointly with counsel for plaintiff, to advise the Court of settlement updates pursuant to the Order of April 6, 2021 and request a stay of the case to pursue further mediation, or alternatively, an adjournment of prior deadlines.

As the Court is aware, the parties proceeded with mediation on April 21, 2021 with a private mediator. In addition, the Court is also aware that there is a separate, yet similar, lawsuit concerning Certified Nursing Assistants ("CNAs") employed by defendant, brought with the same plaintiff's counsel as in the instant action. See *Jinette Francois v. Pine Valley Center for Rehabilitation and Nursing*, Dkt. No.: 20-cv-0178-NSR-JCM (the "Second Action"). The parties made significant progress in mediation and seek to accomplish a global resolution of both lawsuits in mediation. As the Second Action was filed 10 months after the instant matter and due to delays caused by the COVID-19 pandemic, the two actions are on separate discovery tracks; all discovery, including expert discovery, has been completed in this action.

In order to facilitate a global resolution, the parties have agreed to exchange pertinent information concerning the Second Action as follows:

- (1) Pine Valley to produce time records and payroll information for plaintiff to estimate potential damages in the Second Action by May 19, 2021.

(2) The parties to exchange their expert damages calculation summaries “For Settlement Purposes Only” by June 23, 2021.

(3) The continued mediation will take place on July 26, 2021.

Given the foregoing and the parties’ desire to resolve both matters, we respectfully request that the Court stay the instant action until the mediation can be conducted on July 26, 2021; the parties will submit a status report along with a proposal for moving forward within seven days from the July 26 mediation. Alternatively, the parties request that the proposed Joint Pretrial Order in compliance with Rule 6(A) of the Court’s Individual Practices or Plaintiff’s pre-motion conference letter in anticipation of moving for summary judgment with its Rule 56.1 statement and Defendant’s responses thereto attached be adjourned from June 1, 2021 to September 1, 2021.

We thank the Court for its kind consideration of this request.

Respectfully submitted,

KAUFMAN BORGEEEST & RYAN

/s/ Cara O’Sullivan

Cara A. O’Sullivan

cc: All Counsel of Record
(via ECF)